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Attorneys for Defendant
UNITED STATES DEPARTMENT OF THE INTERIOR

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

NOSSAMAN, LLP, and COALITION FOR
A SUSTAINABLE DELTA,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR,

Defendant.

1:09-cv-1471-OWW-SMS

**STIPULATION AND ORDER
FOR COMPROMISE
SETTLEMENT**

NOSSAMAN, LLP, and COALITION FOR A SUSTAINABLE DELTA,
plaintiffs, and the UNITED STATES DEPARTMENT OF THE INTERIOR, defendant,
stipulate as follows subject to the Court's approval as provided for hereon.

1. The UNITED STATES DEPARTMENT OF THE INTERIOR, defendant, shall
cause its agency, the United States Fish and Wildlife Service, to make a payment to
NOSSAMAN, LLP, in the amount of EIGHT THOUSAND DOLLARS (\$8,000.00).

2. That payment is in full settlement and satisfaction of any and all claims,
demands, rights, and causes of action, arising from the FOIA request dated April 13,
2009, which was mentioned in paragraph 1 of the First Amended Complaint.

1 3. Plaintiffs and their heirs, executors, administrators, successors or assigns shall
2 accept the sum stated in paragraph 1, above, in full settlement and satisfaction of any and
3 all claims, demands, rights, and causes of action, of whatsoever kind and nature, arising
4 from any and all known and unknown, foreseen and unforeseen, bodily, emotional,
5 reputational and personal injuries, damage to property and consequential damage, that
6 they may have or later acquire, against the UNITED STATES DEPARTMENT OF THE
7 INTERIOR, its agencies, agents, servants and employees, on account of this FOIA
8 request.

9 4. This settlement and this stipulation for compromise settlement are not an
10 admission of liability or fault on the part of the UNITED STATES DEPARTMENT OF
11 THE INTERIOR, its agencies, agents, servants, or employees, or on the part of
12 NOSSAMAN, LLP, and COALITION FOR A SUSTAINABLE DELTA. Both sides
13 enter into it to compromise disputed claims and avoid the expenses and risks of litigation.

14 5. The amount stated in paragraph 1 represents the entire amount of the
15 compromise settlement. Except for that amount, the parties shall bear their own costs,
16 attorney's fees, and expenses.

17 6. The parties agree that this Stipulation and Order for Compromise Settlement,
18 including all the terms and conditions of this compromise settlement and any additional
19 agreements relating thereto, may be made public in their entirety, and the plaintiffs
20 expressly consent to such release and disclosure under 5 U.S.C. § 552a(b).

21 7. As a condition of payment, the plaintiffs shall supply all information needed to
22 carry out an electronic funds transfer of the settlement amount.

23 8. In consideration of the payment of the amounts set forth above, the plaintiffs
24 shall supply all signatures and cause to be filed with the court all documents necessary to
25 cause the action to be dismissed with prejudice from the court's docket.

1 Dated: May 20, 2010

NOSSAMAN, LLP

2 By: /s/ Paul S. Weiland
3 PAUL S. WEILAND
4 ROBERT C. HORTON
5 Attorneys for Plaintiffs

6 Dated: May 20, 2010

BENJAMIN B. WAGNER
United States Attorney

8 By: /s/ Y H T Himel
9 YOSHINORI H. T. HIMEL
10 Assistant U. S. Attorney
11 Attorneys for Defendant
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14 IT IS SO ORDERED.

15 Dated: May 21, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE